

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL W. RANNELS,

Plaintiff,

v.

SMITH, et al.,

Defendants.

No. 1:21-cv-00049-NONE-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION TO PROCEED *IN FORMA*
PAUPERIS

(Doc. Nos. 2, 9, 10)

Plaintiff Daniel W. Rannels is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 17, 2021, the assigned magistrate judge filed findings and recommendations, recommending that plaintiff's motion to proceed *in forma pauperis* be denied because plaintiff has sufficient funds to pay the filing fee in full. (Doc. No. 9.) The magistrate judge provided plaintiff 14 days to file objections to the findings and recommendations. (*Id.* at 2.) Plaintiff has not filed any objections. However, on February 16, 2021, plaintiff filed a "motion to cease with *forma pauperis* [sic] procedure" because he has sufficient funds to pay the filing fee. (Doc. No. 10.) The motion was entered on the docket after the issuance of the findings and recommendations.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
3 February 16 motion, the court finds the findings and recommendations to be supported by the
4 record and proper analysis. According to his inmate trust account statement (Doc. No. 6),
5 plaintiff has sufficient funds to pay the filing fee for this action. Therefore, *in forma pauperis*
6 status is not warranted. *See* 28 U.S.C. § 1915(a)(1).

7 Accordingly,

- 8 1. The findings and recommendations issued on February 17, 2021 (Doc. No. 9) are
9 adopted in full;
- 10 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 11 3. Plaintiff's "motion to cease with forma pauperis procedure" (Doc. No. 10) is
12 disregarded as moot;
- 13 4. Within 30 days of the date of service of this order, plaintiff shall pay the \$402 filing
14 fee in full; and,
- 15 5. Failure to pay the filing fee within the time provided will result in dismissal of this
16 action.

17 IT IS SO ORDERED.

18 Dated: March 24, 2021

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20 UNITED STATES DISTRICT JUDGE
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